REMARKS

Claims 1-12 and 14-25 are pending. Applicants have amended claims 1 and 14 to more clearly claim the invention. Applicants have cancelled claims 13 and 26.

The Examiner rejected claims 1, 2, 4-9, 12, 1, 15, 17-22, and 25 under 35 U.S.C. § 103(a) over U.S. Patent 6,434,606 to Borella, in view of U.S. Patent 6,665,283 to Harris; claims 3 and 16 under 35 U.S.C. § 103(a) over Borella, in view of Harris, further in view of U.S. Patent 6,801,532 to Anandakumar; and claims 10-11 and 23-24 under 35 U.S.C. § 103(a) over Borella, in view of Harris, further in view of U.S. Patent 5,872,789 to Orleth. Applicant respectfully disagrees.

Borella describes a system for communicating voice data similar to telephone conversations over a non-guaranteed network medium such as the Internet. The system in Borella sends multiple copies of the data from the sender to the receiver, with each copy having differing characteristics such as sampling rate and whether error-correction is present. The receiver places these multiple copies in separate buffers and then periodically examines the data that it has received to see which buffer is the highest quality buffer that is complete enough to be played from.

Harris is primarily concerned with the power level that is required to transmit data reliably in a wireless network. Harris describes a simple buffering system where the receiver buffers data until its buffer is full and then passes that data to a user.

In contrast, Applicant's technology is directed to reducing the amount of jitter in bursty audio. When data is transmitted over a network such as the Internet, the packets take varying amounts of time to arrive. If audio is played back as it is received, or is buffered and then played back at the rate at which it was received, it will sound choppy to a human listener due to jitter. Applicant's technology reduces this effect by removing the jitter from audio as it arrives, and then making up for the time consumed by the jitter by increasing the periods of silence in between talk bursts. While Borella detects talk bursts,

it uses this information only as an indicator of a good time to switch among its various buffers. Borella does not change the duration of the periods of silence in between talk bursts, but rather is always playing from one of its buffers. Moreover, Harris does not specifically deal with audio at all, and is cited only for the teaching of waiting for the buffer to be full before passing data to a user. Neither Borella nor Harris teach adjusting the amount of silence between talk bursts.

Applicant has amended the claims to more clearly recite increasing the periods of silence between bursts. Claims 1 and 14 recite "determining the amount of jitter accumulated in the last burst" and "waiting for a silent period based on the amount of accumulated jitter before playing subsequent bursts." Therefore, Applicant's claims 1-12 and 14-25 recite elements not taught by either Borella or Harris. Accordingly, Applicant respectfully requests that this rejection be withdrawn.

In view of the above amendment, Applicants believe the pending application is in condition for allowance.

Applicants believe no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 50-0665, under Order No. 418268890US from which the undersigned is authorized to draw.

Dated: 4/1/05

Respectfully submitted,

By Maurice J. Pirio

Maurice J. Pirio
Registration No.: 33,273
PERKINS COIE LLP
P.O. Box 1247
Seattle, 98111-1247
(206) 359-8000
(206) 359-7198 (Fax)
Attorney for Applicant